

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VERSAILLES DEVELOPMENT
COMPANY, LLC,

Plaintiff(s),

v.

EQUILON ENTERPRISES LLC, ET AL.,

Defendant(s).

No. C-06-05872 CW (JCS)

**NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER**

(E-FILING CASE)

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Joseph C. Spero for settlement purposes.

You are hereby notified that a Settlement Conference is scheduled for **December 13, 2007, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for settlement purposes is completed by the date of the Settlement Conference. Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement does not have full authority. If a party is a governmental entity, its governing body shall designate one of its members or a senior executive to appear at the Settlement Conference with authority to participate in the Settlement Conference and, if a tentative settlement agreement is reached, to

1 recommend the agreement to the governmental entity for its approval. An insured party shall appear
2 with a representative of the carrier with full authority to negotiate up to the limits of coverage.
3 Personal attendance of a party representative will rarely be excused by the Court, and then only upon
4 separate written application demonstrating substantial hardship served on opposing counsel and
5 lodged as early as the basis for the hardship is known but no later than the Settlement Conference
6 Statement.

7 **Each party shall prepare a Settlement Conference Statement, which must be LODGED**
8 **with the undersigned's Chambers (NOT electronically filed) no later than DECEMBER 4,**
9 **2007.** Please 3-hole punch the document at the left side.

10 The Settlement Conference Statement need not be served on opposing counsel. The parties
11 are encouraged, however, to exchange Settlement Conference Statements. If Settlement Conference
12 Statements are exchanged, any party may submit an additional confidential settlement letter to the
13 Court not to exceed three (3) pages. The contents of this confidential settlement letter will not be
14 disclosed to the other parties.

15 The Settlement Conference Statement shall not exceed ten (10) pages of text and twenty (20)
16 pages of exhibits and shall include the following:

- 17 1. A brief statement of the facts of the case.
- 18 2. A brief statement of the claims and defenses including, but not limited to, statutory or
19 other grounds upon which the claims are founded, and a **candid** evaluation of the parties' likelihood
20 of prevailing on the claims and defenses. The more candid the parties are, the more productive the
21 conference will be.
- 22 3. A list of the key facts in dispute and a brief statement of the **specific** evidence
23 relevant to a determination of those facts.
- 24 4. A summary of the proceedings to date and any pending motions.
- 25 5. An estimate of the cost and time to be expended for further discovery, pretrial and
26 trial.
- 27 6. The relief sought, including an itemization of damages.
- 28

7. The party's position on settlement, including present demands and offers, and a history of past settlement discussions.